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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

EMPIRE GENERAL LIFE
ASSURANCE CORPORATION

: DOCKET NO. 04 CV 2061

VS.

: JUDGE MINALDI

ROBIN ZARATE-SWAIN, Individually,
and as Administratrix of the Estate of
Earl Swain, Jr., LINDA S.
HOFFPAUIR, and MELISSA S.
CHISM

: MAGISTRATE JUDGE WILSON

JUDGMENT

In accordance with the Memorandum Ruling, for the reasons stated therein, Empire's motion for summary judgment [doc. 31] is DENIED.

FURTHER, IT IS ORDERED that defendant, Zarate-Swain's counterclaim for damages pursuant to LSA-R.S. 22:657 is DISMISSED.

Lake Charles, Louisiana, this 20 day of April, 2006.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE